

**United States District Court**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

**ED BUTOWSKY,**

**Plaintiff,**

**v.**

**DOUGLAS H. WIGDOR, *et al.*,**

**Defendants.**

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**Civil Action No.: 4:19-cv-577-ALM-KPJ**

**ORDER OF DISMISSAL**

Pending before the Court are the Joint Stipulation of Dismissal (the “Stipulation”) (Dkt. #62) and the Notice of Voluntary Dismissal (the “Notice”) (Dkt. #63). Plaintiff Ed Butowsky and Defendants Douglas H. Wigdor, Jeanne M. Christensen, Michael J. Willemin, David E. Gottlieb, Lawrence M. Pearson, and Wigdor LLP (the “Wigdor Defendants”) represent they have resolved their differences to their mutual satisfaction and agree to dismissal of this case with prejudice, and with each party to bear their own costs, fees, and expenses. *See* Dkt. #62. In addition, Plaintiff states in the Notice that he is dismissing his claims against the final Defendant, Rod Wheeler. *See* Dkt. #63.

Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways: (1) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” FED. R. CIV. P. 41(a)(1); or (2) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(ii) by filing “a stipulation of dismissal signed by all parties who have appeared.” *Id.* As such, formal court action is not necessary in this case. However, the Court finds

that in the interest of efficiency, justice, and maintaining the clarity of the record, an entry of order of dismissal is appropriate.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that this entire action, and all of the claims asserted therein, be **DISMISSED WITH PREJUDICE** with respect to the Wigdor Defendants and **DISMISSED WITHOUT PREJUDICE** with respect to Defendant Rod Wheeler. Each party shall bear its own costs.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 21st day of October, 2020.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE